

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DANNA ANN COX

PLAINTIFF

v.

CIVIL NO. 2:16-cv-2041-MEF

NANCY A. BERRYHILL, Acting
Commissioner, Social Security Administration¹

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration regarding her application for Disability Insurance Benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Eighth Circuit.

The record reveals that the Plaintiff released her counsel of record, Michael Hamby, on July 11, 2016, indicating that she would be seeking alternative counsel. ECF No. 15-1. In a text only order dated July 28, 2016, the undersigned granted counsel's Motion to Withdraw. However, Plaintiff never contacted the Court with information concerning substitute counsel. On August 3, 2016, this matter was scheduled for oral argument on February 6, 2017. Records indicate that notice of the hearing was mailed to the Plaintiff on August 3, 2016. However, the Plaintiff did not appear for oral argument. Accordingly, having reviewed the record, the administrative transcript, the briefs of the parties, and the applicable law, the Court finds as follows, to-wit:

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

For the reasons announced by the Court on the record on February 6, 2017, the Court finds that the decision of the Commissioner of Social Security is supported by substantial evidence, and the same is hereby affirmed.

IT IS SO ORDERED this the 7th day of January, 2017.

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE